IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7104 OF 2006

Dattatraya Pandurang Pandhare ....Petitioner
V/s
Govind Vishwanath Phalle & Ors..... ....Respondents.

Mr.A.M.Kulkarni, Adv. For the petitioner.

Mr.Anilkumar Patil, Adv. For respondent No.1.

CORAM: A.P.DESHPANDE, J.
8/8/07

PC:

The present proceedings pertain to mutation entries in relation to suit property. It is undisputed that both the parties have filed substantive suits in civil court. The suit filed by the respondent for declaration has been dismissed by the trial Court and the appeal directed against the judgment and decree is pending before the First Appellate Court. Whereas the suit filed by the present petitioner is pending on the file of the Joint Civil Judge, Junior Division, Sangli. The suit filed by the present petitioner is for perpetual injunction and therein allowing temporary injunction application an injunction order had been passed restraining the respondent from interfering with possession of the present petitioner. I am informed that one more suit filed by the respondent for injunction has been dismissed. The very fact that the

question of title is being adjudicated upon by the Civil Court the orders passed by Revenue authorities would be subject to ultimate decision by the civil court. The mutation entries do not vest party with title to the property and even if no interference with the impugned order is made in the present writ petition the same will not prejudice the present petitioner in any manner. Having regard to the fact that the issue of title is subjudice in civil court/appellate court I decline to interfere with the impugned order and the present writ petition is dismissed summarily by clarifying that the mutation entries which is subject matter of this writ petition will be subject to final outcome of the civil suit/appeal.

8.8.07